



hereto as **Exhibit “B”** is said Affidavit of Service on LUIS F. QUEZADA filed by plaintiff’s counsel in State Court.

3. Plaintiff’s Summons and Complaint was served on CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., via Certified Mail on October 12, 2022. Pursuant to plaintiff’s Affidavit of Service, the Complaint against defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. was served on the Secretary of State on October 3, 2022, and mailed via certified mail to defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. on October 4, 2022. Attached hereto as **Exhibit “C”** is said Affidavit of Service on CLEAN HARBORS ENVIRONMENTAL SERVICES filed by plaintiff’s counsel in State Court, and proof of receipt of the Complaint by CLEAN HARBORS ENVIRONMENTAL SERVICES, INC on October 12, 2022.

4. Defendant, LUIS F. QUEZADA, was at the time of filing of the commencement of the original action in State Court, a citizen, resident and domiciliary of the State of New Jersey.

5. Defendant, LUIS F. QUEZADA, is at the time removal is sought from State Court to Federal Court, a citizen, a resident and domiciliary of Newark, New Jersey.

6. Defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. is a Foreign Business Corporation incorporated in the State of Massachusetts.

7. Defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.’s principal place of business is located at 42 Longwater Drive, Norwell, Massachusetts 02061.

8. Defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. was at the time of the commencement of the original action in State Court, a foreign business corporation organized under the laws of the State of Massachusetts and had its principal place of business in Massachusetts.

9. Defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. is at the time removal is sought from State Court to Federal Court, a foreign business corporation organized under the laws of the State of Massachusetts and has its principal place of business in Massachusetts.

10. Plaintiff, MIGUEL TROCHE, was at the time of filing of the commencement of the original action in State Court a citizen, resident and domiciliary of New York County, New York. See **Exhibit “A”**, ¶1.

11. Plaintiff, MIGUEL TROCHE, is at the time removal is sought from State Court to Federal Court, a citizen, a resident and domiciliary of New York County, New York. **Exhibit “A”**, ¶1.

12. This Notice of Removal is timely filed in that the Notice of Removal was filed within thirty (30) days of the defendants LUIS F. QUEZADA and CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. first receiving a copy of plaintiff’s Summons and Complaint, and within thirty (30) days of the Complaint being served on the Secretary of State and the date of mailing of the Complaint to the defendants via certified mail. 28 U.S.C. §1446(b).

14. A copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of New York, County of New York, and served on all parties as required by 28 U.S.C. §1446(d).

15. This Court has original jurisdiction over this action because there is complete diversity between the parties under 28 U.S.C. §1332(a), and this action is removable to this Court pursuant to 28 U.S.C. §1441(a)-(b).

16. In his Complaint, plaintiff MIGUEL TROCHE seeks judgment for personal injuries allegedly sustained on May 25, 2022, as a result of a motor vehicle accident allegedly involving

plaintiff and the vehicle owned by defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. and operated by defendant LUIS F. QUEZADA. See **Exhibit “A”**, ¶¶22-23.

17. There is complete diversity of citizenship between the plaintiff and the defendants in this action because the plaintiff alleges that he is a resident of New York County, New York and, thus, a citizen of the State of New York at the time of the commencement of the action in State Court and at the time removal is sought from State Court to Federal Court. **Exhibit “A”**, ¶1.

18. Additionally, Defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. is a citizen of the State of Massachusetts where it is incorporated and a citizen, resident and domiciliary of the State of New Massachusetts where it has its principal place of business at the time of the commencement of the action in State Court and at the time removal is sought from State Court to Federal Court.

19. And Defendant, LUIS F. QUEZADA, is a citizen, resident and domiciliary of the State of New Jersey at the time of the commencement of the action in State Court and at the time removal is sought from State Court to Federal Court.

20. Furthermore, upon information and belief, plaintiff’s amount in controversy exceeds the \$75,000 threshold exclusive of interests and costs. In his Complaint, plaintiff alleges he sustained serious injuries as defined by New York Insurance Law. **Exhibit “A”**, ¶26. Moreover, the defendants have received copies of plaintiff’s medical records from his counsel, which confirms he was transported to Bellevue’s Emergency Room following the accident as a Level 3 Trauma, and per plaintiff’s MRI reports he sustained a: 1) a fracture to his left leg; 2) a tear to his plaintiff’s left knee; 3) a microfracture to his right knee; and 4) multiple contusions to his legs as a result of the accident. Plaintiff’s medical records also confirm he has been receiving

physical therapy since the May 25, 2022 accident. Further, the Police Report indicates the plaintiff sustained injuries to both of his upper legs and hips, sustained contusions and bruises, and was transported via ambulance to a nearby hospital. Annexed hereto collectively as **Exhibit “D”** are plaintiff’s redacted medical records, and the subject Police Report.

21. Accordingly, there exists original jurisdiction in the District Court of the United States as provided in 28 U.S.C. Section 1332. No party to the Action will be prejudiced by removing this Action.

21. No prior similar relief has been sought from this Court.

22. Concurrent with the filing of service and Notice of Removal, defendants are serving the Notice of Removal upon the plaintiff’s attorney and filing a copy of the Notice of Removal with the Clerk of the Court for the Supreme Court of the State of New York, County of New York.

23. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

**WHEREFORE**, defendants LUIS F. QUEZADA and CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. respectfully requests that this action be removed from the Supreme Court of New York, York County to the United States District Court, Southern District of New York pursuant to 28 U.S.C. §1441, and that this Court assume jurisdiction of this action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial.

Dated: Harrison, New York  
October 21, 2022

Respectfully Submitted,

GORDON REES SCULLY  
MANSUKHANI, LLP

By: 

Michael J. Schacher, Esq. (MS-3434)  
Attorneys for Defendants  
LUIS F. QUEZADA and CLEAN  
HARBORS ENVIRONMENTAL  
SERVICES, INC.  
500 Mamaroneck Ave, Suite 503  
Harrison, NY 10528  
T: (914) 777-2237  
File No.: SEDG-1275254

**VIA US MAIL & E-MAIL TO:**

Lora H. Gleicher, Esq.  
SILBOWITZ, GARAFOLA, SILBOWITZ & SCHATZ LLP  
*Attorneys for Plaintiff*  
55 Water Mill Lane, Suite 400  
Great Neck, NY 11021  
(718) 354-6800

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER         )

NORMA LOZA, being duly sworn, deposes and says:

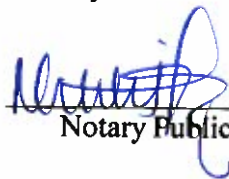
I am not a party to the action, am over the age of 18 years of age, and am employed in Westchester County, New York.

On October 21, 2022, I served the within **NOTICE OF REMOVAL** by depositing a true copy thereof enclosed in a postpaid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

TO: Lora H. Gleicher, Esq.  
SILBOWITZ, GARAFOLA, SILBOWITZ & SCHATZ LLP  
*Attorneys for Plaintiff*  
55 Water Mill Lane, Suite 400  
Great Neck, NY 11021  
(718) 354-6800

  
\_\_\_\_\_  
NORMA LOZA

Sworn to before me this  
21<sup>st</sup> day of October, 2022

  
\_\_\_\_\_  
Notary Public

NATALIE LOZA  
Notary Public, State of New York  
No. 01LO6396120  
Qualified in Westchester County  
Commission Expires August 12, 2023